

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	CR. No. 008-136 S
)	
ANTONIO ARCE.)	
_____)	

ORDER DENYING MOTION TO REDUCE SENTENCE

WILLIAM E. SMITH, United States District Judge.

Defendant Antonio Arce has filed a Memorandum of Motion to Reduction of Sentence (ECF No. 17), which the Court treats as a Motion to Reduce Sentence. He has also filed a Declaration and Request to Proceed in Forma Pauperis (ECF No. 18) and a letter, which the Court again treats as a motion, inquiring about the status of his pending motions (ECF No. 19). For the reasons that follow, the motions are DENIED.

Arce has provided no authority under which the Court could reduce his sentence. He makes clear that he is not attacking his sentence or the Court's decision. Motion to Reduce Sentence at 1. Thus, his motion is clearly not a motion under 28 U.S.C. § 2255 to vacate set aside, or correct sentence by a person in federal custody. Nor does he seek relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) or correction

of sentence based on Federal Rule of Criminal Procedure 35(a).¹ Finally, Arce does not request relief under 18 U.S.C. § 3582(c) due to an intervening change in the guideline range.

Moreover, it is not the business of the federal courts to inquire into prison management, unless the prison's regulations involve the violation of a constitutional or statutory (in the case of federal prisoners) right. Bell v. Wolfish, 441 U.S. 520, 562 (1979) (noting that "the inquiry of federal courts into prison management must be limited to the issue of whether a particular system violates any prohibition of the Constitution or, in the case of a federal prison, a statute").

While the Court applauds Arce's efforts at rehabilitation while in prison and desire to continue his rehabilitation when released, Motion to Reduce Sentence at 4, he simply has not provided the Court with a basis to reduce his sentence, other than asking for leniency. Accordingly, his Motion for Sentence Reduction is DENIED. His motion to proceed in forma pauperis and motion for status are DENIED as moot.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
Date: March 12, 2013

¹ Rule 35(b) allows a court to reduce a defendant's sentence within a specified time period. Arce is well beyond the time allotted for the filing of such a motion.